

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATIONAL DAY LABORER ORGANIZING	:	
NETWORK; CENTER FOR CONSTITUTIONAL,	:	
RIGHTS, and IMMIGRATION JUSTICE	:	No. 10 Civ. 3488 (SAS)(KNF)
CLINIC OF THE BENJAMIN N. CARDODO	:	
SCHOOL OF LAW	:	
Plaintiffs,	:	
v.	:	
UNITED STATES IMMIGRATION	:	DECLARATION OF
AND CUSTOMS ENFORCEMENT AGENCY,	:	CRYSTAL RENE SOUZA
UNITED STATES DEPARTMENT OF	:	
HOMELAND SECURITY, FEDERAL BUREAU	:	
OF INVESTIGATION, EXECUTIVE OFFICE	:	
FOR IMMIGRATION REVIEW, and OFFICE OF	:	
LEGAL COUNSEL	:	
Defendants.	:	

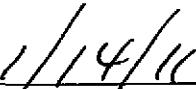
I, Crystal Rene Souza, depose and say as follows:

1. I am a Supervisory Freedom of Information Act (FOIA) Specialist for the Office of the General Counsel (OGC) at the Executive Office for Immigration Review (EOIR).
2. I am familiar with the procedures in processing FOIA requests through OGC.
3. The information provided herein is based upon my review of the information available to me in my official capacity.
4. On or about December 17, 2010, EOIR received an electronic mail message from the United States Attorney's Office, Southern District of New York containing the December 17, 2010, production order for "opt-out" records in the matter of NDLON et al. v. ICE et al., No. 10 Civ. 3488 (S.D.N.Y.) (SAS)(KNF).
5. The order contained a new search cut off date of October 15, 2010, and directed EOIR to search, process and produce to Plaintiffs, by January 17, 2011, records relating to the ability of states or localities to decline or limit participation in Secure Communities, including documents, memoranda, manuals, and communications referencing the technological capacity of ICE and the FBI to honor requests to opt-out, opt-in or limit participation in Secure Communities.

6. EOIR located four documents relating to the request for production of "opt-out" records. On January 14, 2011, EOIR provided these documents to the U.S. Attorney's Office for production to plaintiffs.
7. EOIR indicated that one document should be released in full.
8. EOIR redacted the remaining three documents pursuant to 5 U.S.C. § 552(b)(6) of the FOIA to avoid a clearly unwarranted invasion of personal privacy. Specifically, in each of these documents EOIR redacted internal telephone numbers.
9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Crystal Rene Souza
Supervisory FOIA Specialist
Executive Office for Immigration Review



January 14, 2011